United Nations ST/SGB/2006/5

Secretariat

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# Secretary-General's bulletin

## Acceptance of pro bono goods and services

The Secretary-General hereby promulgates, in consultation with executive heads of separately administered organs and programmes of the United Nations, the guidelines for the acceptance of pro bono goods and services, which are set out in the annex to the present bulletin.

The present bulletin shall enter into force on 1 March 2006.

(*Signed*) Kofi A. **Annan**
Secretary-General

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# Annex

## Guidelines for the acceptance of pro bono goods and services

### Scope

1. The present guidelines apply to the acceptance of pro bono offers of goods and services (hereinafter "pro bono contributions") to the United Nations. The guidelines do not address cash contributions, which are adequately covered by the Financial Regulations and Rules of the United Nations and of the separately administered organs and programmes of the United Nations. As used in the present guidelines, "recipient" means the department or office of the United Nations or the separately administered organs or programmes of the United Nations receiving or using the pro bono contribution.

2. Pro bono contributions are usually offered by the private sector and, for this reason, the present guidelines focus primarily on pro bono contributions from the private sector.[1] Nevertheless, these guidelines apply, mutatis mutandis, to pro bono contributions from non-governmental organizations (NGOs) except as otherwise indicated.

3. The guidelines do not apply to pro bono contributions of which the Organization will not be the ultimate user, such as goods and services to be passed on to Governments, NGOs or individuals in connection with disaster relief. Similarly, the guidelines do not apply to pro bono contributions for United Nations activities established as technical assistance projects. In addition, the guidelines do not apply to procurement activities which contain pro bono components.

4. The guidelines contain general policies on the acceptance of pro bono goods and services and are not intended to replace rules or procedures promulgated by the separately administered organs and programmes of the United Nations relating to pro bono contributions (whether referred to in such rules and procedures as "in kind contribution", "in kind assistance" or otherwise). Separately administered organs and programmes of the United Nations are welcome to develop more specific guidelines in accordance with their particular mandates and activities consistent with the terms of the present guidelines.

5. The guidelines do not apply to offers of pro bono personnel or so-called gratis personnel. Rules regarding the acceptance of gratis personnel are contained in General Assembly resolutions 51/243 and 52/234 as well as in ST/AI/1999/6, entitled "Gratis personnel". The following criteria are indicative that the offer is not of gratis personnel: that the offer consists of the provision of services by the donor rather than the provision of personnel; that the services are to be provided under the donor's own responsibility, and the donor will be liable for acts and omissions of its personnel; that the donor's personnel are to be employed and managed by, and accountable to, the donor; and that the donor's personnel will not become functionally integrated within the recipient.

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[1] For the general framework regarding cooperation between the United Nations and the business community, please also consult the "Guidelines on cooperation between the United Nations and the business community", issued by the Secretary-General on 17 July 2000, available on the United Nations website at http://www.un.org/partners/business/otherpages/guide.htm.

**General criteria for the acceptance of a pro bono contribution**

6. A pro bono contribution may be accepted only in accordance with the relevant financial regulations and rules.

7. When a pro bono contribution is solicited by the recipient, a solicitation should, wherever possible and appropriate, be published by the recipient in such a manner as not to restrict the opportunities to make pro bono contributions to donors from particular regions or Member States. Typically, this guideline does not apply to a pro bono contribution by an NGO.

8. The decision as to whether to accept a pro bono contribution should be transparent. In this respect, the recipient should maintain records of the solicitation (if any), offers, evaluation of offers and considerations leading to the decision to accept an offer.

9. The proposed pro bono contribution should be evaluated, both with regard to operational factors (such as need, suitability and specifications of the goods and services offered) and the suitability and capacity of the donor. The operational factors should be evaluated by the relevant operational department or office of the recipient. The suitability and capacity of the donor should be evaluated by the recipient in consultation with the Procurement Service of the Office of Central Support Services or the relevant offices of the separately administered organs and programmes of the United Nations concerned, as appropriate. Typically, the third sentence of the present paragraph does not apply to a pro bono contribution by an NGO.

10. In accordance with the relevant financial regulation or rule, the acceptance of a pro bono contribution shall in all cases be subject to approval by the controller or the relevant financial official of the separately administered organs and programmes of the United Nations concerned. The substantive decision on the acceptance of a pro bono contribution shall be taken by the head of the operational department or office, in consultation with the offices typically involved in the process regarding the acceptance of a pro bono contribution, such as the Office of Programme Planning, Budget and Accounts, the Office of Legal Affairs and the Department of Management, or the relevant offices of the separately administered organs and programmes of the United Nations concerned, as appropriate.

11. A decision on the acceptance of a pro bono contribution shall take into account and conform to, as applicable, General Assembly resolutions 51/243 and 52/234 relating to gratis personnel, 55/232 and 59/289 relating to outsourcing and the information circular entitled "Outsourcing and impact on staff" (ST/IC/2005/30) or any other relevant resolutions or decisions of the General Assembly or the governing bodies of the separately administered organs or programmes of the United Nations.

12. A pro bono contribution should not be accepted from entities that are complicit in human rights abuses, tolerate forced or compulsory labour or use child labour, are involved in the sale or manufacture of anti-personnel mines or their components, or do not meet the purposes and principles of the United Nations. The recipient's decision on whether to accept a pro bono contribution should take into account, as appropriate, any other ethical or moral considerations that would reflect negatively on the Organization.

13. A pro bono contribution should not be accepted if it would create a conflict of interest. The recipient should examine whether the acceptance of the pro bono contribution would create a conflict of interest, or the appearance thereof, in which case the pro bono contribution should not be accepted.

14. The acceptance of a pro bono contribution should not result in de facto standardization of the donor's goods or services within the recipient, or create a need for further goods and services that can be supplied only by the donor, and should not give the donor an undue competitive advantage in a procurement exercise for the supply of further goods or services. Typically, this guideline does not apply to a pro bono contribution by an NGO.

15. A need for additional goods and services of the type offered by the donor, or goods or services ancillary thereto, should ordinarily be met through normal procurement processes. As a general rule, the donor should be allowed to participate in such a procurement exercise. Typically, this guideline does not apply to a pro bono contribution by an NGO, unless the NGO offers to provide goods or services that are available in the commercial market.

16. The acceptance of a pro bono contribution should not allow the donor a role in the internal decision-making process, or in any way compromise the integrity or independence of the recipient.

17. The donor should normally cover all of the recipient's costs and liabilities resulting from the acceptance of the pro bono contribution. The Office of the Controller, or the corresponding office of the separately administered organs and programmes of the United Nations concerned, should be consulted as to the details of the recipient's costs and liabilities. Should these offices determine that the pro bono contribution, directly or indirectly, involves additional financial liability for the recipient, pursuant to the relevant financial regulation or rule, the established procedures shall be followed.

18. A pro bono contribution should be accepted only pursuant to a formal agreement between the donor and the recipient. An initial draft of such an agreement should be prepared by the relevant operational office or department of the recipient in consultation with the Office of Legal Affairs.

19. Where a particular recipient takes the lead with regard to the acceptance of a pro bono contribution ("lead agency") and the contribution is to be used by a separately administered body or programme of the United Nations, a specialized agency or other organization of the system of the United Nations ("other users"), the lead agency shall be accountable in accordance with its own respective lines of accountability with regard to its acceptance and use of the pro bono contribution. The lead agency should consult with the other users with regard to the terms and conditions of the acceptance of the pro bono contribution.

**Recognition of a pro bono contribution**

20. Entities making a pro bono contribution should be accorded appropriate acknowledgement or recognition by the recipient for the contribution.

21. The names and emblems of the United Nations and separately administered organs and programmes of the United Nations shall not be used without prior authorization. In accordance with the established policy, the use of the names and

emblems of the United Nations and separately administered organs and programmes of the United Nations by the donor for commercial purposes, including advertisement, display on websites or use in other promotional material, is generally prohibited.

22. Any acknowledgement or recognition of the donor's contribution, or any use of the names or emblems of the United Nations and separately administered organs and programmes of the United Nations in connection with the contribution, shall be accorded in a manner that ensures that such acknowledgement or recognition does not imply the endorsement by the United Nations or separately administered organs and programmes of the United Nations of, or preference for or promotion of the donor or its activities, goods or services.